

HOUSE BILL 3468

By Brooks H

AN ACT to amend Tennessee Code Annotated, Title 34  
and Title 36, relative to child support for  
postsecondary education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(g)(5)(B)(ii), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(ii) No other special circumstances exist, including, but not limited to, the circumstances provided for in subsection (k) regarding disabled children, or in subsection (n) regarding postsecondary educational support, that require the obligation to continue;

SECTION 2. Tennessee Code Annotated, Section 34-1-102(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) Parents shall continue to be responsible for the support of each child for whom they are responsible after the child reaches eighteen (18) years of age if the child is in high school. The duty of support shall continue until the child graduates from high school or the class of which the child is a member when the child reaches eighteen (18) years of age graduates, whichever occurs first. The parents' responsibility to support the child may be extended pursuant to § 36-5-101(n).

SECTION 3. Tennessee Code Annotated, Section 36-5-101, is amended by adding the following language as new subsection (n):

(n) At any time prior to the termination of child support, the court may, in its discretion, in appropriate cases, order support for a child for postsecondary education. Postsecondary educational support may continue until the child reaches twenty-three (23) years of age. The court, in its discretion, may assess the cost of postsecondary

education equitably to both the child's parents and the child. In exercising its discretion, the court shall consider all relevant factors, including, but not limited to, the educational and financial circumstances of the parties and the child, the family's educational background, scholarships and financial aid available to the child, the academic achievements of the child, commitments made by either parent to the child, even if the commitments do not rise to the level of a binding contract, the reasonable preferences of the child and parents, the relationship between a child and parent, and such other factors as are appropriate. Any award of postsecondary educational support may include some or all of the expenses for the education, including, but not limited to, tuition, books, fees, room and board, and transportation. Any award of postsecondary educational support is subject to modification justified by circumstances, including, but not limited to, under-performance by the child in college, except for reasons beyond the child's control such as illness, or significant financial reduction of the supporting parents.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.